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EXAMINER

LUDWIG, MATTHEW J

ART UNIT PAPER NUMBER

2178

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/533,152	Applicant(s) COAR, MICHAEL J.	
	Examiner Matthew J. Ludwig	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications. Amendment filed 4/20/04.
2. Claims 1-20 are pending in the application. Claims 1, 7, and 13, are independent claims.
3. Claims 1-16, and 18-20 remain rejected under 35 U.S.C. 102(e) as being anticipated by Durst et al. Claim 17 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Durst in view of Howell.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

In reference to independent claim 1, the claim recites the phrase “*useful in conducting the business transaction*”. There is insufficient antecedent basis for this limitation in the claim. The Examiner is unclear as to what defines the term ‘*useful*’ within the applicant’s claimed invention. It does not provide the Examiner with an explicit description of what makes the objects ‘*useful*’ within the limitations of the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Durst et al., U.S. patent No. 6,108,656 - filed May 11,1999.

Regarding independent claim 1, Figs.1 and 2 of Durst et al. disclose a method for the creation of an electronic container comprising: Creating an electronic version ([Optional] Text & Graphics) of at least one object (TEXT [16]); creating a graphical code (machine-readable code [12]) representing information about the at least one object (Col. 4 lines 54 - 56); associating the graphical code to the at least one object (Col. 4 lines 56 - 57); assigning a transaction identifier (Col. 4 lines 61 - 65, *disclosing transaction [to load] identifier [WWW] included in the machine-readable code*, Col. 4 lines 65-67) to the at least one object; and storing (server [46]) the at least one object with other objects having the same transaction identifier ([50] *is the file storage location for objects [16]), with other objects [52] having the same transaction identifier (See fig. 2[23], See Col. 5 lines 62 - 67, disclosing demographics information 52 of user having same transaction[to load] identifier [WWW])*).

Regarding dependent claim 2, Durst et al. discloses the graphical code [12] comprises unique index information about the at least one object (Col. 4 lines 65 - 67, *disclosing the data string 20 of the object which is encoded in the bar code 12, and Fig. 2 [20] disclosing a unit index information [21, 22, ...26] about of the file location of object 16, and 18*).

Regarding dependent claim 3, Figs. 1 and 2, Col. 4 lines 65 - 67 of Durst et al. discloses the graphical code [12] comprises coordinate location [21] relating to fields (Field 1, Field 2,

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Field 3 ...Field 6) within the object .

Regarding dependent claim 4, Col. 4 lines 65 - 67 of Durst et al. discloses the graphical code (12) comprises routing information (Col. 5 lines 1 - 3).

Regarding dependent claim 5, Fig. 2 [12] discloses the graphical code comprises at least a one dimensional code (Col. 5 lines 9-11 and 36).

Regarding dependent claim 6, Durst et al. discloses further comprising binding (Fig. 2 [21 - 26]) the at least one object (*21 is the file location of the at least 1 object 16, 18*) to other objects (22 - 26) wherein the graphical code [12] comprises binding information (*Fig. 2, launch, user demographics...etc*) that relates to one object and each of the other objects to each other. (Col. 4 lines 60 - Col. 5 line 5).

Regarding independent claim 7, Figs. 1 and 2 of Durst et al. disclose a system for the creation of an electronic container comprising: at least one object containing information [16, 18]; a workstation [14] for inputting data about the at least one object [16, 18]; a graphical code creator ([29] of Fig. 2); connected to the workstation (*Fig. 2 is a workstation document generator [14] of Fig. 1*) for crating a graphical code comprising the data [12]; an electronic record creator [12] connected to the scanner [34] for creating a composite electronic record [10] comprising the at least one object and graphic code (see column 4 lines 54-57); and a container creator [20] for associating the at least one object [16, 18] with other objects [22 - 26] and for assigning a transaction identifier (*Col. 4 lines 61 - 65, disclosing transaction [to load] with identifier [WWW]*) to the at least one object [16, 18].

Regarding dependent claim 8, Figure 2 of of Durst et al. disclose the graphical code [12] comprises data concerning the at least one object (*Fig. 2 [20] disclosing data string files*

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location [21] of data concerning the objects [16, 18]).

Regarding dependent claim 9, Figure 2 [21 - 26] discloses the data comprises unique index data (Fig. 2 [20]) concerning the at least one object.

Regarding dependent claim 10, Fig. 2 of Dust discloses the data comprises coordinate location of fields (field 1.....field 6, [21-26]) within the at least one object.

Regarding dependent claim 11, Fig. 6, Step 208 - 216, of system Fig. 1 of Durst et al. further disclose instructions for viewing the at least one object, the unique index data (Fig. 2 [21 - 26] of unit index data string [20]) and supplemental data concerning the at least one object in a viewer (see Col. 5 line 62 - Col. 6 line 4).

Regarding dependent claim 12, Fig. 3 of Durst et al. discloses the container creator further comprises instructions for retrieving (*fig. 6 step 208 - 216 discloses instruction for retrieving*) and manipulating the at least one object (Fig. 3 [10]) using the same application that created the at least one object (Fig. 2 [10]).

Regarding to independent claim 13, Figs. 3 and 6 of Durst et al. discloses a method for managing workflow within an organization (Col. 6 lines 26 - 27) comprising: receiver an electronic container [10] comprising one or more objects (Text and car image of [10]) associated with a task (barcode [12]) and routing information associated with each of the one or more objects (Col. 4 lines 60 - Col. 5 line 5); routing each of the one or more objects to a recipient designated in the routing information for processing (Fig. 6 Step 214); and receiving from each designated recipient one or more processed objects (Fig. 6 step 216).

Regarding to dependent claim 14, Fig. 3 of Durst further disclose wherein receiving an electronic container [10] comprising one or more objects [Text, Car Image of 10] associated with a

task [12] comprises receiving one or more objects [Text, Car Image] selected from the group consisting of an image [Car Image], a document [TEXT], a database, a computer generated file, and an electronic data interchange file (Fig. 3 [10]).

Regarding to dependent claim 15, Durst further discloses wherein receiving an electronic container comprising routing information associated with each of the one or more objects comprises receiving for each of the one or more objects a graphical code comprising the routing information (Col. 4 line 61 – Col. 5 line 5).

Regarding to dependent claim 16, Durst further discloses the method of managing workflow within an organization (Col. 6 lines 34 – 35), wherein the method further comprises receiving for at least one of the one or more objects index information (*See Fig. 3 of Durst disclosing a receiving system by scanning a barcode [12], and receiving in the index information [21, file location], [22, Source ID], [23, User demographics] which encoded in the bar code 12, [see Col. 4 lines 65 – 67, and Fig. 2 data string 20 for disclosing index information encode in the barcode]*).

Regarding to dependent claim 18, Fig. 3 of Durst further discloses the method of managing workflow within an organization (Col. 6 lines 34 – 35), wherein the method further comprises: receiving a graphical code (Fig. 3 [12]) indicative of an organization structure of the electronic container (Col. 4 lines 61 – Col. 5 line 4).

Regarding to dependent claim 19, Fig. 3 of Durst further wherein receiving a graphical code indicative of an organization structure of the electronic container comprises: receiving rules directed to determining order to the objects within the

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container (See Figs. 8, 9 and 10, starting from step 208 of Fig. 8 to step of 272 of Fig. 10) for disclosing the order and of determining rules and process to transmitting the file of the object from the storage of the sever to the client computer).

Regarding to dependent claim 20, Fig. 3 of Durst discloses wherein receiving a graphical code [12] indicative of an organizational structure of the electronic container (Col. 4 lines 61 – Col. 5 line 4) comprises receiving rules directed to determining whether the electronic container comprises all of the objects associated with the task (see Figs. 8, 9 and 10, starting from step 208 of Fig. 8 to step of 272 of Fig. 10 for rules directed to determining whether the electronic container comprises all of the objects associated with the task (See Fig. 3 of Durst disclosing a receiving system by scanning a barcode 12, and receiving in the index information [21, file location], [22, Source ID], [23, User demographics] which encoded in the bar code 12, [see Col. 4 lines 65 – 67, and Fig. 2 data string 20 for disclosing index information encode in the barcode 12).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Durst et al. as applied to claim 16 above, and further in view of Howell et al. U.S. Patent No. 6,215,992.

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Durst et al., The object index 20 of Fig. 2 indicative of the a field value, a field name, a field type [Field 1, Field 2, Field ... Field 6] and a checksum value [62] of Fig. 2 of Durst et al. as applied to claim 16 above, disclosed every aspect of applicant's claimed invention except for a length value.

Howell et al. Col. 11 lines 14 – 18, disclosing a barcode system with a length packet value includes in the checksum.

Both Durst et al. and Howell et al. are relating to barcode system. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modified the check sum of Durst et al.'s barcode with the check sum of Howell et al. for the purpose of providing error identification checksum for the packet length (Col. 11 lines 16 – 17).

Response to Arguments

8. Applicant's arguments filed 4/20/04 have been fully and carefully considered but they are not persuasive.

Applicant argues on page 7-10 of the amendment that the examination of the claims fail to give full appreciation of the meaning ascribed to the terms used in the claims by the written description. The Examiner points out that the term '**object**', is utilized throughout the computer arts and describes numerous meanings and functions within a web environment. Furthermore, the term '**information**', mentioned with independent claim 1, could be interpreted in many different ways and provides many different employments when interpreted as a whole within the claim language. Durst provides the teaching of physically associating text/graphics with a barcode. Because the independent claim fails to disclose how the type of association is made or what type

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of association is being made between the graphical code and the object, the Durst reference provides a proficient interpretation of the claimed features. Because the claim limitations are to be given their broadest reasonable interpretation within the scope of the art, the barcode methods of Durst provide a reasonable interpretation of the newly amended claim.

Applicant argues on pages 9 through 11 of the amendment that the vendor's World Wide Web (WWW) site is not a transaction and the "WWW" is not an "identifier" of a transaction. The Applicant amended claim 1 to recite a method directed to the creation of an electronic container to "conduct a business transaction". An electronic version of the object "useful in conducting the business transaction" is created and a transaction identifier is assigned to the object to associate the object "with the business transaction". The Examiner rejected the newly formed claim limitations based on the term '*useful*', because it fails to provide or illustrate what in the Applicant's claimed invention is actually useful in conducting the business transaction. It was known and typical at the time of the invention for a URL to provide transactional identification information. As presently claimed, the Durst reference provides the proper clarification of meaning for both the transaction or delivery of websites, and the URL information, which provides identification information.

In reference to claim 4, the Applicant argues on pages 10 and 11, that neither the machine readable code nor the file location pointer described by Durst identifies means to redirect documents associated with a container to different locations for processing and reassembling those documents when processing is completed; however, the Examiner cannot find the above-mentioned language within dependent claim 4 (as presently claimed).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 703-305-8043. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 703-308-5465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML

August 3, 2004



STEPHEN S. HONG
PRIMARY EXAMINER